

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

WILLIS ABEGGLEN, et al.,

Plaintiffs,

-vs-

CASE NO. 10-CV-110

TOWN OF BELOIT, et al.,

Defendants.

DEPOSITION OF JOHN WILSON, was taken at
the instance of the Plaintiffs, under and
pursuant to the provisions of the Federal Rules
of Civil Procedure, and the acts amendatory
thereof and supplementary thereto, before me,
CHRISTINE A. MORAN, RPR, and Notary Public in and
for the State of Wisconsin, at the Beloit Fire
Department, 2445 South Afton Road, Beloit,
Wisconsin, on the 1st day of September, 2010,
commencing at 9:32 o'clock in the forenoon.

1 A P P E A R A N C E S

2 RETTKO LAW OFFICES, S.C., 15460 West
3 Capitol Drive, Suite 150, Brookfield, Wisconsin
4 53005, by MR. WILLIAM R. RETTKO, appeared on
5 behalf of the Plaintiffs.

6 ZALEWSKI, KLINNER & KRAMER, LLP, 1500
7 Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin
8 54401-1386, by MR. RICHARD W. ZALEWSKI, appeared
9 on behalf of the Defendants.

10 ALSO PRESENT: Kris Eastman, Robert
11 Museus, Willis Abegglen and Mary Abegglen.

12

13 I N D E X

14	WITNESS	EXAMINATION	PAGE
15	JOHN WILSON	By MR. RETTKO	4

16

17 E X H I B I T S

18	EXHIBIT NO.	DESCRIPTION	ID'd
19	1	Memo from Bargaining Unit Members of Local	15
20		579 to Wilson 11/17/08	
21	2	Memo from Dransfield to Abegglen 11/18/08	19
22	3	Vote Of No Confidence	21
23	4	Letter to Museus from Levy with	31
24		attachments	
25	5	Letter to Wilson from Museus 1/5/09	39

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5		Supervisors Meeting 2/16/09	
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16		Wilson 11/10/09	
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19	20	Town of Beloit Job Description -	56
20		Administrative Assistant	

21

22 R E Q U E S T E D I T E M S

23 None

24 M A R K E D Q U E S T I O N S

25 None

1 (Original Exhibits 1 through 20 were sent with
2 original and copies of the transcripts.)

3 (The original transcript was sent to Attorney
4 Rettko.)

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1 P R O C E E D I N G S

2 (Exhibits 1-19 were marked.)

3 JOHN WILSON, called as a witness herein
4 by the Plaintiffs, after having been first duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. RETTKO:

8 Q Would you please state your name for the record?

9 A John Wilson.

10 Q Have you given a deposition in a civil lawsuit
11 before?

12 A Yes.

13 Q Just a couple things before we get started as
14 reminders. I'm going to be asking a series of
15 questions, and your attorney in this particular
16 matter is sitting next to you and he may be
17 raising some objections during the course of the
18 deposition. If he does that, you should wait to
19 listen for his objection to go onto the record.
20 Unless he instructs you not to answer the
21 question, I'm going to kindly ask that you answer
22 the question subject to his objection.

23 If at any time I'm asking any question
24 that you do not understand, please let me know
25 that because any time you answer any of my

1 questions, I'm going to assume you understood the
2 question asked.

3 We can take breaks at any time. I
4 anticipate going about three, three and a half
5 hours for this deposition, so if you need to take
6 a break let me know and we'll take a break.

7 A Okay.

8 Q Your date of birth?

9 A May 21st, 1945.

10 Q When did you graduate from high school?

11 A 1964.

12 Q Do you have any intent to retire by next August?

13 A By next August?

14 Q From the Town of Beloit Police Department?

15 A That is up for debate. My wife is terminally
16 ill, so it would depend upon her medical
17 condition.

18 Q Okay. In that case what is your current address?

19 A 4961 Satinwood Drive.

20 Q And that's in the Town of Beloit?

21 A It's a Beloit address, but it's in the Town of
22 Beloit proper.

23 Q And your highest level of education?

24 A College.

25 Q And when did you graduate from college?

1 A 2000.

2 Q And where did you get your degree from?

3 A Breyer's.

4 Q And your major?

5 A Criminal justice.

6 Q What was your first employment in the law
7 enforcement field as a police officer?

8 A Maywood Police Department.

9 Q Maywood, Illinois?

10 A That's correct, uhm-hum.

11 Q And when did you obtain that position?

12 A It was June of '72.

13 Q How long did you remain with the Maywood Police
14 Department?

15 A Left February 13th, 1974.

16 Q Still in the rank of police officer?

17 A That's correct.

18 Q And when you left Maywood, where did you go next?

19 A Bolingbrook, Illinois.

20 Q As a police officer?

21 A Correct, uhm-hum.

22 Q And how long did you -- And that was in February
23 of --

24 A '74.

25 Q -- you started?

1 When did you leave there?

2 A October 1st of '97.

3 Q How many promotions did you have at Bolingbrook?

4 A Let's see. Sergeant, Lieutenant, Deputy Chief,
5 Chief.

6 Q When did you become Chief in Bolingbrook?

7 A '95.

8 Q And you remained Chief till one -- October 1st,
9 '97?

10 A That's correct, uhm-hum.

11 Q What occurred at that time?

12 A I retired.

13 Q What was your next position in law enforcement
14 after retiring from the Bolingbrook Police
15 Department?

16 A I worked for the Izard County Sheriff's
17 Department, Melbourne, Arkansas.

18 Q What did you do for them?

19 A Road deputy. Served papers, processing.

20 Q When did you start that position?

21 A Let's see. January of '98.

22 Q And how long did you remain in that position?

23 A Until early 2003.

24 Q What occurred at that time?

25 A I resigned to take tests for Chief and then in

1 May I was appointed Chief here.

2 Q May of 2003?

3 A That's correct, uhm-hum.

4 Q And you've been the Chief in the Town of Beloit
5 Police Department continuously since May of 2003?

6 A That's correct, uhm-hum.

7 Q Is there any reason why you retired from the
8 Bolingbrook Police Department in October of
9 '97 without a job lined up?

10 A My pension more than took care of any moneys that
11 I needed, and we were retiring down to an area
12 where it was a lot cheaper to live in, our house
13 was paid for. The only bill we had at the time
14 was my car, my truck.

15 Q Is there any reason why you left the Melbourne,
16 Arkansas or the IZard County --

17 A IZard County Sheriff's Office?

18 Q Yeah.

19 A My wife was getting -- had been diagnosed with
20 congestive heart disease, rheumatoid arthritis,
21 high blood pressure and we wanted to come back to
22 an area that had better medical care.

23 Q In your employment at Bolingbrook as Chief or
24 Deputy Chief, were you ever accused of being a
25 racist?

1 A Nope.

2 Q At the Bolingbrook Police Department, did the
3 officers ever have a note of no confidence
4 against you?

5 A Nope.

6 Q When you arrived at the Town of Beloit Police
7 Department in May of 2003, what position did
8 Willis Abegglen have at that time?

9 A Patrol Sergeant.

10 Q And how long after you arrived did Willis
11 Abegglen get promoted to Deputy Chief?

12 A I don't know. It was not long.

13 Q Did you make that appointment?

14 A I recommended him, yes.

15 Q And why did you make the recommendation to have
16 Willis Abegglen go from Patrol Sergeant to Deputy
17 Chief?

18 A Captain Roden had retired and we were looking for
19 somebody internal, and at that time based on the
20 supervisors, it was he and Pat Mackey and Pat
21 Mackey was too young and Abegglen had quite a bit
22 of street experience and was eager to learn the
23 job.

24 Q Do you recall what Abegglen's duties and
25 responsibilities were as Deputy Chief when he got

1 that appointment?

2 A Well, he oversaw the Patrol Division, did the
3 scheduling, helped with the training, recommended
4 training and then helped with rebuilding the
5 department as far as equipment and policies.

6 Q When you arrived in May of 2003, what position
7 did Mary Maynard, now known as Mary Abegglen,
8 hold?

9 A She was the Court Clerk and she was -- she also
10 handled another duty of records and then there
11 were times that if I needed her to type a letter
12 or memo, she would also do those. She also did
13 payroll. Might have been some others I don't
14 remember, but, I mean, they were all lumped in
15 together.

16 Q And payroll for the police department?

17 A That's correct, yes, sir. Uhm-uhm.

18 Q When you arrived here in 2003 that first year you
19 were here, how did you get along with Willis
20 Abegglen?

21 A Good.

22 Q How did you get along with Mary?

23 A Good.

24 Q Do you have any recollection of how long Mary had
25 been employed by the Town of Beloit Police

1 Department in that position of Court Clerk and
2 administrative police person prior to your
3 arrival?

4 A No.

5 Q What duties and -- Okay. You named that --
6 strike that.

7 When you arrived here in May of 2003,
8 did you consider yourself Mary Abegglen's
9 supervisor?

10 A Yeah.

11 Q Why do you say that?

12 A What we did was Willie handled the Patrol
13 Division and then I would take over the records
14 area. It wasn't -- It was a division of the two
15 jobs so it was easier for him to handle that
16 position, and also at the time he was dating Mary
17 so it was easier for me to just supervise her, so
18 her and I worked together.

19 Q Now, going ahead to October 2008, it's my
20 understanding Willis Abegglen was a Deputy Chief
21 with the Town of Beloit Police Department?

22 A That's correct.

23 Q And he had been the Deputy Chief for
24 approximately how long at that time?

25 A From I think -- I think he got promoted late

1 2003. I don't remember the exact date, but from
2 that time until then, yes.

3 Q Okay. And had Abegglen's duties and
4 responsibilities as Deputy Chief deviated at all
5 since late 2003 to October 2008?

6 A No. No.

7 Q In October of 2008 did you have any word that
8 there might be department cutbacks coming down
9 the pipe?

10 A In October?

11 Q Yes.

12 A No, sir.

13 Q How were you getting along with Willis Abegglen
14 in October of 2008?

15 A Fine.

16 Q Also by October 2008 Mary Abegglen's position was
17 still Court Clerk and administrative functioning
18 in the police department, correct?

19 A Right. It hadn't changed, uhm-hum. She was
20 still doing all those jobs. Well, at that time
21 we did have another lady that was helping her,
22 but Mary was -- even though they were both union
23 employees, if there was any questions that this
24 other lady had, Mary would answer them and would
25 help train her, so, I mean, there was that point

1 where Mary did train another employee. But other
2 than that her job stayed basically the same, yes.

3 Q And did you still consider yourself Mary's
4 supervisor in October 2008?

5 A Yeah.

6 Q You were still getting along with Mary okay?

7 A Yup, uhm-hum.

8 Q Yes?

9 A Yes.

10 Q Any discussion of cutbacks with the courts in
11 October of 2008?

12 A No, sir.

13 Q Going ahead still further, on or about
14 November 17, 2008, do you know who removed
15 Officer Burkee's jacket from the report writing
16 room to your office?

17 A Yeah, I did.

18 Q Why did you do that?

19 A It had been laying back in the report writing
20 room. It was laying on the floor initially, so I
21 figure, well, he had just -- somebody or he had
22 just knocked it off, so I picked it up and put it
23 on the chair. A couple days later it was still
24 laying there. We had some service people going
25 to come in, so I took it in my office and placed

1 it in there till he would come in and want to
2 know where it was at. The primary reason is not
3 the jacket, it had his badge on the jacket.

4 Q And --

5 A And that door is not -- That room is not a secure
6 room either, so it was open for anybody to have
7 seen or picked it up.

8 Q Okay. I'm going to show you what's been marked
9 as Exhibit 1. Can you identify what that
10 document is?

11 A Yeah.

12 Q What is it?

13 A It's a memo from the bargaining unit reference
14 Burkee hadn't received training.

15 Q When was the first time that you recall seeing
16 this particular memo?

17 A It ended up in my mailbox.

18 Q On that date, November 17?

19 A I would assume, yeah.

20 Q Is that the first time you learned of Burkee's
21 complaint about not getting the mandatory
22 in-service training for 2008?

23 A Correct, uhm-hum.

24 Q To your knowledge, why was Burkee making a
25 complaint about not getting his in-service

1 training hours for 2008 at that time?

2 A I don't know.

3 Q Did you consider this particular memo a complaint
4 that Burkee was making a complaint about his --
5 about race being a factor in the reason for him
6 not getting the mandatory training?

7 A Well, when the comment is only minority officer,
8 I would assume so, yes.

9 Q How did you feel about Burkee making his race an
10 issue in this matter?

11 A I was upset because Burkee's race has never been
12 an issue. And then there's other surrounding
13 factors about this, so I assume we're going to go
14 into those, right?

15 Q Now, it was on that particular day, November 17,
16 that you had asked Burkee to go to your office to
17 get his jacket?

18 A I don't think it was on that day. It was around
19 that time period. Burkee wanted to know where
20 his jacket was and I told him it was in the
21 office. I told him, I said make sure in the
22 future that you at least put it up so that your
23 badge is not exposed to anybody walking through
24 the building. So he came in and got it and said
25 it wouldn't happen again.

1 Q Burkee's version is that when he went into your
2 office to get his jacket, it was at that time
3 that you informed him that you were going to be
4 returning a citizen's complaint previously
5 removed from his personnel file back into his
6 personnel file as a direct result of him filing
7 this memo. Is that your understanding?

8 MR. ZALEWSKI: I'm just going to object
9 to the form of that question. We don't know
10 whether that's Burkee's version or not, but go
11 ahead and answer if you can.

12 THE WITNESS: Sure. That's not -- It
13 wasn't based on this. Burkee had gone -- was
14 taking a test somewhere over around Appleton and
15 that's part of why this memo came up is -- and he
16 had told Deputy Chief Abegglen and I that he was
17 testing, so we made the decision to hold off on
18 his training because if he was going to be
19 leaving soon there was no reason to spend
20 department dollars on that.

21 As far as there was a -- it wasn't a
22 letter, it was a -- He had been suspended for
23 violating -- I forget exactly what it is, we can
24 pull his file, but I also told him that when we
25 pulled it out of his file to help him get this

1 job, 'cause he had asked, I would do that favor
2 but that it would be going back in after he was
3 either done with the process or he had been
4 hired. So he knew it was going to go back in his
5 file at some date, but it had nothing to do with
6 this.

7 BY MR. RETTKO:

8 Q Do you recall what the nature of that citizen's
9 complaint was?

10 A It had to do -- Like I said it was either he had
11 not read somebody their rights or he had violated
12 the amendment on search.

13 Q What changed at that particular time that you
14 made the decision to place the citizen's
15 complaint back into his file?

16 A Well, at that time he had also told us that he
17 had not gotten the job and that had been like
18 five months, six months from the time that he
19 told us that he was -- that he had tested for it
20 and he was in the top -- I don't know, he was in
21 the top, three, four, five somewhere, but he was
22 in the top where he thought he had a good chance
23 of getting the job, and then this, when all this
24 come up, that's when he also told us that he had
25 not gotten the position.

1 Q I'm going to show you what's been marked as
2 Exhibit 2 in this case. I'll ask that you read
3 it and I'll ask you some questions about this.

4 A Okay.

5 Q Can you identify what Exhibit 2 is for the
6 record?

7 A It's a memo to Deputy Chief Abegglen from
8 Sergeant Dransfield.

9 Q And the date of it is November 18, 2008
10 concerning a conversation that --

11 A Uhm-hum.

12 Q -- Sergeant Dransfield had with Officer Burkee,
13 correct?

14 A Uhm-hum.

15 Q Now, you've had a chance to read this particular
16 memo?

17 A Uhm-hum.

18 Q Have you ever seen this memo prior to today?

19 A Yes.

20 Q When was the first time you saw this memo?

21 A About the same time.

22 Q Around November 18?

23 A That's correct, yeah.

24 Q 2008?

25 A Yeah.

1 Q When you first got this memo on November 18,
2 2008, did you have any disagreements with what
3 Officer Burkee had informed Sergeant Dransfield?

4 A Not that I can remember.

5 Q As you sit here today, is there anything in your
6 recollection that you would disagree with that
7 Officer Burkee had told Sergeant Dransfield?

8 MR. ZALEWSKI: I'll object to the form.
9 He wasn't there when that conversation took
10 place, so I don't think he can answer it
11 correctly, but go ahead and answer if you could.

12 THE WITNESS: I'm sorry, ask it again.

13 BY MR. RETTKO:

14 Q Based on the way this memo is written, do you
15 have any disagreement with what Officer Burkee's
16 statements are in this memo to Sergeant
17 Dransfield?

18 MR. ZALEWSKI: Same objection. Answer
19 it if you can.

20 THE WITNESS: Well, I mean he's got the
21 facts in here. I mean, the fact that he hadn't
22 received his 24 hour training and the fact about
23 his coat and the fact that he -- we found out
24 later that he wasn't aware that the union steward
25 Luzinski had put the race in there, which came

1 out in the conversation later.

2 BY MR. RETTKO:

3 Q So you -- And you don't deny that you asked
4 Officer Burkee to explain how the race issue came
5 up in the memo that's been marked as Exhibit 1 in
6 this case?

7 A I may have. I'm not going to -- You know, I
8 don't recollect, but I may have asked him.

9 Q Why did you ask him why the race issue came up?

10 A Probably would have been because Burkee has
11 never, ever brought race into any issue even when
12 he has been disciplined or he's been, you know,
13 brought in the office and talked to. It was a
14 shock.

15 Q After your meeting with Burkee on November 17, do
16 you recall calling Mary Abegglen into your
17 office?

18 A No, not that I remember.

19 Q Do you recall having a conversation with Mary
20 Abegglen after Burkee left your office that you
21 were going to find out who was responsible for
22 the memo complaining of Burkee's lack of training
23 due to his race?

24 A No. I already knew who was responsible for it;
25 Luzinski was.

1 Q You found that out on what day?

2 A The day that we got this memo.

3 Q How did you know that?

4 A Because Luzinski was the one that wrote it up.

5 Q How did you know that from the memo?

6 A Well, Burkee, when Burkee and I had talked about
7 it, he had made the comment that he -- the
8 complaint from the bargaining unit had been
9 written up by Luzinski. And Luzinski at that
10 time was the union steward along with Mike
11 Bogdonas but Luzinski was doing most of the memo
12 writing.

13 Q You knew that from past practice?

14 A Yeah.

15 Q Did you call Luzinski that day?

16 A No.

17 Q Why not?

18 A This was a training issue that Deputy Chief
19 Abegglen and I handled in a matter of hours when
20 he was able to get him in training right away
21 since we'd now -- at that point we knew he was
22 going to be with the department, so then with
23 just a couple phone calls we got the training
24 arranged.

25 Q And isn't it true when you told Mary Abegglen

1 that you were going to find out who was
2 responsible for the memo that she questioned your
3 desire to find that person because you had used
4 the N word a lot?

5 MR. ZALEWSKI: I'm going to object to
6 the form. He hasn't indicated that he ever was
7 told that by Mary.

8 THE WITNESS: I don't remember it.
9 There was a lot going on at this particular time.
10 We're talking about almost three years ago.

11 BY MR. RETTKO:

12 Q Did that bother you that Burkee had been making a
13 complaint about his lack of training due to his
14 race?

15 MR. ZALEWSKI: Objection as to form. I
16 don't know if -- I don't think Mr. Burkee has
17 said that, but go ahead.

18 THE WITNESS: It bothered me that race
19 was entering into this when all he had to simply
20 do is walk into Deputy Chief Abegglen's office
21 and tell him I didn't get the job and it doesn't
22 look like I'm going to be leaving the department,
23 can I go ahead and be rescheduled for training.
24 And he would have got it immediately, which he
25 did once it was known that he was not leaving.

1 BY MR. RETTKO:

2 Q Were there any complaints of you being a racist
3 before that?

4 A No.

5 Q Had you used the N word a lot during your job
6 duties as Chief before that time?

7 MR. ZALEWSKI: Object to form. What
8 does a lot mean? Go ahead and answer if you can.

9 THE WITNESS: I've used it.

10 BY MR. RETTKO:

11 Q On the job, correct, within the police department
12 offices?

13 A That's correct.

14 Q What were the circumstances that you used the N
15 word?

16 A I don't remember.

17 Q Is there any reason why you would use the N word?

18 A Oh, probably, my generation probably, the
19 departments that we worked for, it just becomes
20 engrained, not that that's an excuse. I mean, I
21 certainly wished I hadn't have used it, but --

22 Q And just so we're clear on the record the N word
23 I referred to is the word nigger?

24 A Yes.

25 Q That's what you also understand it to be?

1 A Yup, that's right.

2 Q As I understand, on November 19, 2008 then you
3 met with Burkee and Willis Abegglen to work this
4 situation out, which is two days after the fact;
5 is that correct?

6 A That could have been, yeah.

7 Q And during that meeting you again asked Burkee
8 why the race issue was raised in the memo
9 regarding his service training; did you not?

10 A Right.

11 Q Why did you do that?

12 A Just to get his perspective.

13 Q Do you recall what Burkee's response was?

14 A Something to the effect that he was shocked that
15 the race issue had been placed in there, and
16 that's when we discussed about his schooling,
17 that all he had to do was come in and advise us,
18 we would have got his schooling and it was an
19 issue that didn't have to go through the union.
20 All he had to do is walk into the Deputy Chief's
21 office and the Deputy Chief would have seen that
22 he would have got his training.

23 Q In response to that, didn't you say something to
24 the effect, I want to know who did this, listen
25 I'll fire every mother fucker I need to find out

1 who and I'll put everyone on the stand to find
2 out?

3 A I probably could have said that in anger, yeah.

4 Q Why would you do that?

5 A Well, I was upset because of the tone of the
6 memo. Race had not entered into anything in the
7 department.

8 Q Why would you make that statement if you had
9 known Luzinski wrote the memo to begin this?

10 A I don't know. I just said it out of anger.

11 Q What was the point of expressing your anger at
12 that point to threaten Burkee with that?

13 A I don't know. I can't answer that.

14 Q Did you have any expectation of, any expectation
15 of something that you were expecting might happen
16 by making that statement to Burkee?

17 A No.

18 Q Had Burkee told you at that point that Luzinski
19 wrote the memo, what would you have done?

20 A I don't know.

21 Q Then why did you want to know who the person was
22 that wrote the memo?

23 A 'Cause I had already had a suspicion of who it
24 was.

25 Q But you didn't really know for sure, did you?

1 A Oh, yeah, I knew for sure who did it. It was
2 just trying to get it confirmed.

3 Q On the next day, November 20th, do you recall
4 meeting with Willis Abegglen in his office at
5 which time Willis told you he would sit down
6 because today he was the teacher and you were the
7 student, that you could not keep threatening
8 people as you were creating a hostile work
9 environment?

10 A No, I don't remember that.

11 Q Do you remember any recollection of Willis
12 sitting down with you and explaining to you that
13 what you had done to Burkee was creating a
14 hostile work environment?

15 A No. We had a conversation right after Burkee
16 left the office, but, I mean, I don't remember
17 anything after that. And that was basically
18 about getting him training and that was about it.

19 Q Did you think when you told Burkee that you
20 wanted to know who did this, listen, I'll fire
21 every mother fucker I need to to find out, I'll
22 pull everyone on the stand to find out, that that
23 was threatening or hostile in any way?

24 A That could be taken as threatening.

25 Q At any point did you tell Willis Abegglen that

1 you would do whatever you wanted to do in
2 response to Abegglen's warning of creating a
3 hostile work environment?

4 A I don't remember saying that.

5 Q Did you ever recall later concluding that you
6 couldn't fire every mother fucker that you wanted
7 to to find out?

8 A No. That was a statement that was made out of
9 anger, and as soon as it was said, it was over
10 with.

11 Q Would you agree that you -- that you couldn't
12 threaten employees in that manner, that that
13 would be creating a hostile work environment?

14 A Yeah, I could see that. Yes.

15 Q Now, as I understand it, the Town eventually did
16 do an investigation into whether you retaliated
17 against Burkee by placing items back into his
18 personnel file for his memo requesting training
19 and due to his lack -- being the only minority
20 that didn't get training. Is my understanding
21 correct that the Town did an investigation into
22 that?

23 A That's correct.

24 Q Do you have a recollection as to when the Town's
25 investigation began into that?

1 A No, I don't.

2 Q Do you have a recollection of Willis Abegglen
3 being interviewed in that investigation?

4 A I believe he was.

5 Q Do you recall who was the person that conducted
6 that particular investigation?

7 A It was Al Levy. He was an attorney for -- had
8 been picked by the Town Administrator.

9 Q Do you have any understanding as to what it was
10 that Willis Abegglen testified to in that
11 interview during that investigation?

12 A No.

13 Q How did that initial investigation conclude by Al
14 Levy?

15 A I don't remember. I'd have to look at the
16 report.

17 Q Do you have any idea as to when that
18 investigation concluded?

19 A I think it only just took a day; I'm not sure.

20 Q I'm going to show you what's been marked as
21 Exhibit 3 in this case. Can you identify what
22 that is?

23 A Yeah. A vote of no confidence.

24 Q And it's a vote of no confidence into the Chief,
25 John Wilson, by the Town of Beloit police union,

1 correct?

2 A That's right, uhm-hum.

3 Q Have you ever seen this particular document
4 before now?

5 A No, I haven't.

6 Q When did you first become aware of a vote of no
7 confidence into you by the police union?

8 A When I was told about it by the Board -- Greg
9 Groves that it was coming, a couple of days
10 before that, and I had also received an anonymous
11 phone call that this was also coming a couple of
12 days before it was in the paper. That's when I
13 was -- when I read it.

14 Q When you learned of a vote of no confidence being
15 taken against you, did you take any action?

16 A From what I understand, it was already going to
17 the papers so there was no action to be able to
18 take.

19 Q Now, as part of this particular vote of no
20 confidence, they indicate that they're presenting
21 issues to Administrator Robert Museus on
22 December 12, 2008, correct?

23 A Correct.

24 Q And they also say that this is a current hostile
25 work environment, correct?

1 A That's correct.

2 Q And they say officers and employees fear
3 retaliation by John Wilson due to the presented
4 issue, correct?

5 A Right.

6 Q Did you have any understanding as to what it was
7 that the police union's complaints were about you
8 in regard to the presented issue?

9 A No. No one ever came forward and mentioned
10 anything. Like I said, I found out about this
11 from a phone call just before it went in the
12 paper and when it went into the paper.

13 Q When did that phone call occur, do you recall?

14 A It was a couple of days prior to the article.

15 Q I'm going to show you what's been marked as
16 Exhibit 4.

17 A Okay.

18 Q Can you identify what that document is, for the
19 record?

20 A It's a Lindner & Marsack letterhead, Attorneys at
21 Law, investigation of alleged inappropriate
22 language used in the police department.

23 Q I'm going to represent to you this is the
24 document that the -- it's been produced to me by
25 the Town's attorney in this case. That is a

1 detail of Al Levy's report to the Town regarding
2 the investigation of alleged inappropriate
3 language used in the police department.

4 A Uhm-hum.

5 Q And more specifically it's my understanding that
6 this is the issue that was raised by the union on
7 December 12th, 2008 with Administrator Robert
8 Museus. Would you agree with that, that this was
9 the issue raised by the union?

10 A Yeah.

11 Q In fact, the very beginning part of the Al Levy
12 report of January 2nd, 2009 to Mr. Museus says
13 you've requested an investigation analysis and
14 recommendation as to a December 12th, 2008 memo
15 with attachment, which is entitled Collective
16 concern on behalf of all or majority of the,
17 brackets, Teamsters Local 579, brackets, Union's
18 members, and claims to be presented based on
19 concerns brought forward to the elected union
20 stewards, do you see that?

21 A Uhm-hum.

22 Q It goes on to state, It alleges a number of
23 specific instances in which the Chief of Police
24 used politically incorrect ethnic labels and
25 other non-specific allegations that he frequently

1 used such words in the police department offices.

2 Do you see that?

3 A Uhm-hum.

4 MR. ZALEWSKI: Try to say yes or no.

5 THE WITNESS: Yup.

6 BY MR. RETTKO:

7 Q When -- Have you ever seen this document that's
8 been marked as Exhibit 4 prior to today?

9 A Yes.

10 Q When was the first time you would have seen this?

11 A I saw this after the attorney completed the
12 investigation; this document.

13 Q So you saw this after Levy completed the
14 investigation?

15 A That's correct, uhm-hum.

16 Q So sometime on or after January 2nd?

17 A I guess, yeah.

18 Q Do you recall if you saw it in January of 2009?

19 A I saw it after he got it completed. I would
20 guess it would be 2009.

21 Q Okay. Some of the words you were alleged to have
22 used in the police department offices were
23 nigger, sand nigger, spics and towel heads
24 according to this report, correct?

25 A Uhm-hum.

1 Q Yes?

2 A That's correct.

3 Q Now, this investigation that Al Levy conducted
4 was the second investigation into your actions in
5 less than a two-month period from November 17 to
6 January 2nd, 2009, right?

7 A I guess, yeah.

8 Q And in the second investigation on the
9 inappropriate language used in the police
10 department, Mary Abegglen was interviewed in that
11 investigation, was she not?

12 A I don't know if she was or not. I didn't -- I
13 didn't have a list of who they talked to.

14 Q Did you have any understanding as to what it was
15 that Mary Abegglen testified to pursuant -- based
16 on your review of this report?

17 A No.

18 Q Turning to page 3 of the report, which at the
19 bottom is Bates stamped 652.

20 A Okay.

21 Q It's got a section heading, The interviews also
22 revealed, correct?

23 A Correct.

24 Q And under paragraph 1 it states, No officer told
25 the Chief he/she was offended by the language.

1 However, Ms. Abegglen said she told him she was
2 offended in November 2008, correct?

3 A Not that I'm aware of.

4 Q But that's what it says, right?

5 A That's what it says, yeah.

6 Q So you were aware of the fact that Ms. Abegglen
7 was interviewed in this case, right?

8 A Correct.

9 Q It goes on in the upper paragraph about the third
10 sentence down Detective Luzinski and Ms. Abegglen
11 recalled use of the word towel head, does it not?

12 A Correct.

13 Q And you had the opportunity to read this report
14 in January 2009?

15 A Correct.

16 Q At any point did you ask Mary Abegglen how she
17 testified in this investigation?

18 A No.

19 Q As you sit here today and you see Ms. Abegglen's
20 testimony in this particular investigation, are
21 you angered by it?

22 MR. ZALEWSKI: I'm just going to object
23 to the form. I don't think it was formal
24 testimony, I think it was just an interview, but
25 go ahead and answer.

1 THE WITNESS: No.

2 BY MR. RETTKO:

3 Q Why not?

4 A Contrary with all this going on, I don't harbor
5 any ill will toward either one of the Abegglen's.
6 I mean, if she made the comments, she made the
7 comments.

8 Q Turn to Bates stamp page 653, which is page 4 of
9 the report. Al Levy in his conclusion indicates
10 the Chief voluntarily admitted that he used
11 unacceptable and offensive language in the police
12 department offices, correct?

13 A Right.

14 Q Looking up at paragraph 8, sub E, it states,
15 Officers said they feared retaliation if they
16 spoke out, but the clerical employees indicated
17 no such fear and both did so with no significant
18 repercussions; do you see that?

19 A Where is that at?

20 Q In sub E in paragraph 8 above Conclusions as to
21 Alleged Facts.

22 A Okay. I see it.

23 Q Were you aware of the fact that the officers in
24 your department feared retaliation from you?

25 A No.

1 Q Do you have any idea as to why they would feel
2 that you might retaliate?

3 A No.

4 Q Turn to page 655 under the Recommended Action.

5 A Go ahead.

6 Q Second paragraph.

7 A Which one were we reading?

8 Q We're on the second paragraph under Recommended
9 Action. The one that begins with, The Chief made
10 prompt and voluntary acknowledgment of his
11 offensive language.

12 A Right.

13 Q It goes on to state there was no adverse action
14 by him on any employee. Do you see that?

15 A Uhm-hum. Yes.

16 Q So you never used any of your biases in regard to
17 the offensive language in retaliation against
18 your employees; is that what this is saying
19 basically?

20 MR. ZALEWSKI: I'm going to object to
21 form.

22 THE WITNESS: What's your question
23 again?

24 BY MR. RETTKO:

25 Q I'm just asking, or I'm asking you, you never

1 retaliated against any department member based on
2 your biases of race, right?

3 A No.

4 Q But you did return a citizens complaint back into
5 Burkee's personnel file --

6 A That was --

7 Q -- after you learned of a complaint being made
8 that he wasn't receiving training and he was the
9 only minority that hadn't, right?

10 A That wasn't a citizen's complaint as I said
11 earlier, that was action taken against Burkee for
12 a violation of one of the amendments, and I don't
13 remember which one it is.

14 Q The reason you returned it, though, was due to
15 the fact that he had made the allegation that he
16 hadn't been receiving training and that it was
17 based on him being the only minority in the
18 department, right?

19 A No. That's not true at all.

20 Q And we've already seen Exhibit 2 that Burkee has
21 explained to Sergeant Dransfield right after this
22 occurred that that's what happened as to why that
23 complaint was returned to his personnel file,
24 right?

25 A No.

1 Q You deny that?

2 A Yup.

3 Q And you also deny that right after Burkee left
4 your office you had told Mary Abegglen about your
5 displeasure of Burkee's allegations, correct?

6 A No.

7 Q Meaning that that didn't occur or that, no --
8 What I'm asking is, do you deny telling Mary
9 Abegglen about your displeasure right after
10 Burkee left your office?

11 A Yes. Willie knew that I was upset with him. I
12 don't remember having a conversation with Mary
13 about it.

14 Q You understand that the Town of Beloit Police
15 Department has a rule for truthfulness while
16 speaking under oath, right?

17 A Yup.

18 Q Do you want to change any of your answers?

19 A No.

20 Q Okay. I'm going to show you what's been marked
21 as Exhibit 5 in this case. Can you identify what
22 this document is for the record?

23 A Yes.

24 Q What is it?

25 A A letter of admonishment from Robert Museus, Town

1 Administrator.

2 Q That's directed to you?

3 A Yes.

4 Q The date of it?

5 A January 5th, 2009.

6 Q When did you first learn of admonishment by
7 Administrator Museus?

8 A When he gave it to me on that day.

9 Q When he gave it to you, did he have any
10 conversation with you?

11 A I don't remember verbatim or all of it, just that
12 the investigation had been completed, that I was
13 receiving this letter and that as far as any
14 further complaints, he didn't want to see them
15 and that I should improve my conduct with the
16 language, which I've done.

17 Q Did you have any conversation with him in regard
18 to the complaint in general that was originally
19 investigated, the allegations of inappropriate
20 language and how that came about?

21 A Not that I remember.

22 Q Prior to the start of this investigation, did you
23 have any conversations with Administrator Museus
24 about the union's complaints?

25 A He had called me in and told me that there had

1 been a complaint and what the basis of it was,
2 that he was going to have Al Levy look into it,
3 investigate it and then he would get back to me
4 with the findings.

5 Q At any time -- At that point in time did you tell
6 him the complaint was baseless?

7 A No.

8 Q What did you tell him?

9 A I told him that I had made the comments.

10 Q What was his response to that?

11 A I think he was a little surprised, but I wasn't
12 going to lie to him. I told him, yeah, I had
13 made the comments.

14 Q At that point in time did he indicate to you what
15 potential discipline might occur?

16 A No. He just said that he was going to have the
17 attorney look into it, and talk to the attorney
18 and he would get back to me on it.

19 Q At any point did you bring up with Administrator
20 Museus at that time that you felt that this was
21 bogus that the union would be bringing a
22 complaint like this?

23 A No.

24 Q Did you indicate to him who you thought might be
25 behind the complaint?

1 A The union was behind it. That's all we knew.

2 Q When you got this letter of admonishment at this
3 point, were you convinced the Abegglenes were with
4 the union and trying to get you?

5 A No.

6 Q Did you tell anyone in the department that you
7 felt that the Abegglenes were out to get you?

8 A No.

9 Q Did you tell Administrator Museus that?

10 A No.

11 Q And at that point Willis Abegglen told you prior
12 to that to knock it off in regard to creating
13 hostile work environments; do you recall that?

14 A No.

15 Q You don't recall Mary ever telling you she was
16 offended by your use of the word nigger?

17 A No.

18 Q I'm going to show you what's been marked as
19 Exhibit 6 in this case. Can you identify what
20 this is for the record?

21 A Yeah. This is my memo and apology to the Board
22 and to the administrator for my conduct.

23 Q Now, this is dated January 3rd, 2009, right?

24 A Uhm-hum.

25 Q And Administrator Museus's letter of admonishment

1 to you is dated January 5th, 2009, correct?

2 A That's correct.

3 Q How is it that you were in a position on
4 January 3rd, two days before you got your letter
5 of admonishment to write a letter or memo
6 regarding an apology for your conduct?

7 A When I was brought in by Bob, he had already had
8 the complaint from the union but was before the
9 letter of admonishment, so I typed up a letter of
10 apology 'cause I already admitted that I had said
11 the words.

12 Q And that was the day after Al Levy's report of
13 January 2nd was delivered to Mr. Museus?

14 A That I don't know.

15 Q Did you have any conversation with Al Levy prior
16 to January 3rd, 2009 regarding the contents of
17 what might be contained in his report of
18 January 2nd?

19 A Well, he interviewed me. I don't remember what
20 day it was on, but he interviewed me, told me
21 that he was conducting an investigation and, you
22 know, what the basic contexts were, and that was
23 about it.

24 Q At any point did he tell you that he was going to
25 make a finding that you had used inappropriate

1 language?

2 A Not that I remember.

3 Q At some point after the report was written on
4 January 2nd, 2009, do you have any recollection
5 of meeting with Mr. Levy in the police
6 department?

7 A Sure.

8 Q Do you recall what the basis of that meeting was
9 about?

10 A Probably about the investigation.

11 Q Do you have any recollection of what it was that
12 Mr. Levy told you?

13 A No.

14 Q Was there any laughing during that meeting?

15 MR. ZALEWSKI: Which meeting are we
16 referring to?

17 MR. RETTKO: With Mr. Levy.

18 MR. ZALEWSKI: The one before the Levy
19 report?

20 MR. RETTKO: After the report came out.

21 THE WITNESS: When Mr. Levy is in the
22 office, we usually laugh, yes, 'cause he's got
23 quite a bag full of stories so, yeah, there
24 probably would have been some laughter.

25 BY MR. RETTKO:

1 Q At that point in time did Mr. Levy give you any
2 recommendations as to how to handle this
3 circumstance going forward?

4 A Not that I'm aware of.

5 Q Now, when this investigation was being conducted
6 prior to January 2nd, 2009, isn't it true that
7 you questioned Mary Abegglen about having your
8 back?

9 A No. Not that I remember.

10 Q Do you have any recollection of Mary Abegglen
11 telling you that she wouldn't lie for anyone?

12 A No.

13 Q Now during that investigation that was being
14 conducted prior to January 2nd, 2009, did you
15 tell any member of the police department that
16 Willis and Mary Abegglen were not loyal to you?

17 A I didn't know Willie was not loyal until I think
18 after this and in the fall I had received a phone
19 call saying that Mary was involved with the union
20 and trying to make a move to replace the police
21 chief.

22 Q Do you recall who that, made that call to you?

23 A No. The gentleman refused to give me his name.

24 Q And you said that you later became aware that
25 Willie was not loyal to you. When did you learn

1 that?

2 A That was after all this came down.

3 Q How was it that you learned Willie was not loyal
4 to you?

5 A There was an officer come forward with
6 information and was able to give names and
7 specifics of what was going on.

8 Q What name and specifics did he raise with you?

9 A Just that there was a group of officers that
10 wanted a new chief. They also wanted Sergeant
11 Felger gone and that this was all part of it,
12 part of the issue.

13 Q Who was the officer that told you that?

14 A Daphne Fisher.

15 Q Do you have in your recollection of when it was
16 you would have assigned Willis Abegglen to
17 investigate Sergeant Felger for unauthorized use
18 of overtime?

19 A I don't remember when it was, no.

20 Q It was in January 2009, do you recall that?

21 A Okay. I remember -- Yeah, he did handle it. I
22 don't remember the date.

23 Q Why was it that you authorized Abegglen to
24 investigate Sergeant Felger for unauthorized use
25 of overtime?

1 A That would have been his job. He's done other
2 investigations in the department.

3 Q How was it you became aware of Sergeant Felger
4 potentially using unauthorized use of overtime?

5 A I think -- I don't remember exactly. I think
6 there was either a memo or somebody said
7 something about it, and I went to Willie and
8 Willie looked into it, did a report.

9 Q During the course of that investigation, do you
10 have a recollection of meeting with Sergeant
11 Felger in your office on January 13th, 2009?

12 A I had a meeting with him, yeah.

13 Q And what was the meeting about?

14 A It was to have him explain why -- Willie had
15 conducted an investigation that had gone to the
16 Board and to the Town Administrator to review
17 with several -- town attorney and I believe
18 another attorney, and then I was told to sit down
19 and have him explain why each one of these times
20 were listed and why he put in for the overtime.

21 Q Exactly when did your meeting with Daphne Fisher
22 occur?

23 A Geez, I don't remember. Sometime middle of
24 January, end of January, somewhere along in
25 there. I don't remember the date.

1 Q Around the same time that this investigation into
2 Sergeant Felger's unauthorized use of overtime
3 was occurring?

4 A I think it was just after. Like I said, I don't
5 remember the exact date, but it was sometime in
6 January.

7 Q At any point during your meeting with Sergeant
8 Felger, did you talk to him about Willis or Mary
9 Abegglen?

10 A No.

11 Q So in order to find that out, I'll have to talk
12 to Sergeant Felger, right?

13 A That's correct.

14 Q And if you don't recall what you said, you
15 realize you don't have any opportunity to dispute
16 what he said, right?

17 A Right. I mean, I don't remember his name coming
18 up. We were concentrating on his explanations
19 for the time.

20 Q I'm going to show you what's been marked as
21 Exhibit 7 in this case. Can you identify what
22 this is?

23 A This is, looks like a page off of a paper, I
24 guess.

25 Q It's from the BDN Connection, The Stateline's

1 Online Choice. It's a newspaper article titled
2 No confidence in chief. It's published Tuesday,
3 February 3rd, 2009. And the title says, Township
4 officers adopt vote against Wilson.

5 A Okay.

6 Q So as of February 3rd, 2009, the union's vote of
7 no confidence against you had become public; do
8 you recall that?

9 A Oh, yeah.

10 Q What was your reaction when you learned that the
11 vote of no confidence was being made public?

12 A I learned about it, like I told you earlier, just
13 before it was made public. It was one of those
14 things if you've been in this job as long as I
15 have, it's just -- I've seen this happen a
16 thousand times in my career. It was like, well,
17 not much I can do about it.

18 Q Did you take any actions as a result of this
19 matter becoming public?

20 A No.

21 Q Did you have any conversations with Administrator
22 Museus about it?

23 A I'm sure we discussed it, but I don't remember
24 exactly what was said.

25 Q At any time around February 3rd, 2009 did you

1 have any discussions with Administrator Museus
2 about Willis or Mary Abegglen?

3 A No.

4 Q Prior to this article coming out on February 3rd,
5 do you have any recollection of Administrator
6 Museus approaching you about a request made by
7 Sergeant Dransfield to get overtime on the basis
8 that if Sergeant Felger was getting it under
9 these circumstances, he should, too?

10 A There was a conversation that Dransfield should
11 get the overtime. I don't remember exactly, but,
12 yeah, I remember something about it.

13 Q During that particular meeting did Administrator
14 Museus tell you that he was upset by this and
15 that he was going to take care of the matter once
16 and for all?

17 A I don't remember -- I remember him talking about
18 it, but I don't remember anything like that.

19 Q Why did you tell Willis Abegglen that Museus had
20 met with you and was upset by the Dransfield memo
21 and that he was going to take care of the matter
22 once and for all?

23 MR. ZALEWSKI: Objection as to form.
24 Assumes facts that may or may not be true. Go
25 ahead and answer.

1 THE WITNESS: I'm just trying -- I may
2 have -- Well, and I may have had a comment about
3 Dransfield bringing a letter in, but as far as
4 Museus being upset, I don't remember.

5 BY MR. RETTKO:

6 Q Did you ever tell Willis Abegglen that Museus was
7 going to take care of the matter once and for
8 all?

9 A Not that I remember.

10 Q Around the end of January, early February 2009,
11 did Administrator Museus ask you for Mary
12 Abegglen's job description?

13 A He might have.

14 Q When you say might have --

15 A I don't remember, but if he had, I would have
16 given it to him.

17 Q If he would have asked for her job description at
18 that time, do you have any recollection of why it
19 was he would be asking for it?

20 A No.

21 Q Did you have any conversations with Mr. Museus
22 about Mary Abegglen's job and what she did in or
23 around the end of January or early February 2009?

24 A No.

25 Q I'm going to show you what's been marked as

1 Exhibit 8 in this particular case. I'm going to
2 identify for you this is a Town of Beloit, it's
3 a -- Actually, it's a newspaper article by Ann
4 Marie Ames, A-M-E-S, dated Tuesday, February 10,
5 2009 in the GazetteXtra.com news. It's entitled
6 Town of Beloit investigation racial slurs; do you
7 see that?

8 A Uhm-hum, yes.

9 Q Do you have any recollection of the investigation
10 that Al Levy had completed by January 2nd, 2009
11 hitting the papers on or around February 10th,
12 2009?

13 A I remember it was in the papers.

14 Q In or around that time did you have any
15 discussion with Mr. Museus about deleting the
16 Deputy Chief's job?

17 A No.

18 Q Did you have any discussion with Mr. Museus about
19 changing the Court Clerk Police Administrative
20 Assistant position?

21 A No.

22 Q Did you have any input with Mr. Museus in regard
23 to deleting the Deputy Chief job?

24 A No.

25 Q Did you have any input with Mr. Museus in regard

1 to changing the Court Clerk or Police

2 Administrative Assistant's job?

3 A At that time?

4 Q Yeah.

5 A No.

6 Q Did you have any input with the Town Board in
7 regard to deleting the Deputy Chief's job around
8 this time, February 10th, 2009?

9 A No.

10 Q Did you have any input with the Town Board in
11 changing the Court Clerk Police Administrative
12 Assistant position on or before February 10th,
13 2009?

14 A No.

15 Q I'm going to show you what I've got marked as
16 Exhibit 9. Can you identify -- It's a four-page
17 document. Can you identify what this document
18 generally is?

19 A It's the agenda for a meeting on February 16th.

20 Q Of 2009?

21 A That's correct.

22 Q By the Town of Beloit Board of Supervisors?

23 A Correct.

24 Q Okay. And the second page of the document is
25 what exactly?

1 A Let's see. A resolution directing a
2 reorganization of the functions, tasks, personnel
3 of the Town of Beloit and a new organizational
4 chart.

5 Q And it's adopted February 16th, 2009 and signed
6 and dated the 17th of February, 2009, correct?

7 A That's correct.

8 Q And the third page of the Exhibit 9 is what
9 exactly?

10 A Resolution approving certain job descriptions for
11 the Town of Beloit.

12 Q And again, that's also adopted February 16th but
13 signed and dated February 17th, right?

14 A Correct.

15 Q And the fourth page of Exhibit 9 is what exactly?

16 A A Town of Beloit organizational chart.

17 Q And that's going to be dated April 1st, 2009?

18 A Dated when? Oh, I see. April 1st, okay. I see
19 it, yeah.

20 Q So this is what the resolutions were changing the
21 organizational chart to be as of April 1st?

22 A Correct.

23 Q Prior to February 16th, 2009, did you have any
24 input with Mr. Museus in regard to the changes in
25 deleting the Deputy Chief position?

1 A No.

2 Q Did you have any discussions with Mr. Museus in
3 regard to the changes in the Court Clerk Police
4 Administrative Assistant position?

5 A No.

6 Q Did you have any discussion with Mr. Museus prior
7 to February 16th, 2009 in regard to the Abegglen's
8 no longer being loyal to you?

9 A No.

10 Q Did you ever meet with the Town Board about the
11 change in the Deputy Chief position?

12 A No.

13 Q Did you ever meet with the Town Board in regard
14 to the modification of the Court Clerk Police
15 Administrative Assistant position?

16 A No.

17 Q I show you what's been marked as Exhibit 10. Can
18 you identify this document for the record?

19 A It says it's the duties of the Municipal Court
20 Clerk.

21 Q And the lower left-hand corner is the year 2007
22 on all three pages, correct?

23 A Correct.

24 Q Would these have been the duties of the Court
25 Clerk prior to February 16th, 2009?

1 A You mean her total duties?

2 Q In regard to Municipal Court Clerk.

3 A Oh, Court Clerk?

4 Q Uhm-hum.

5 A In 2007 she had other duties other than just
6 Court Clerk.

7 Q Okay. What other duties did she have that would
8 not be listed on this document?

9 A She was also the records clerk.

10 Q And was that a 40-hour a week job?

11 A The two of them were, yes.

12 (Exhibit 20 was marked.)

13 BY MR. RETTKO:

14 Q I'm a little bit out of order here, but I'm going
15 to show you what's been marked as Exhibit 20 in
16 this case. Can you identify Exhibit 20 for the
17 record?

18 A Administrative Assistant.

19 Q It's a job description for the Administrative
20 Assistant, is that with the police department?

21 A Yeah.

22 Q And this is revised in February 2009, correct?

23 A That's correct.

24 Q Would these have been the other portion of Mary
25 Abegglen's job duties as Court Clerk

1 Administrative Assistant with the police
2 department that are not shown on Exhibit 10,
3 which is this one?

4 A This one shows as a Court Clerk. This one would
5 have been -- her other side of the job, was,
6 yeah, part of these jobs here.

7 Q So Exhibit 20 is the other -- the other part of
8 her jobs?

9 A Yeah. There are some of the jobs here that she
10 would have done as Records Clerk, and
11 Administrative Assistant would have been weak,
12 but she still did do some of those jobs. I mean,
13 she did type some letters and she did handle some
14 personal stuff like that, yes.

15 Q Did you have any input with the Town of Beloit in
16 creating this job description for the
17 Administrative Assistant?

18 A No, I did not.

19 Q Was it a surprise to you that the Town of Beloit
20 had changed the Court Clerk Police Administrative
21 Assistant position in February 2009?

22 A Yes, it was.

23 Q Why do you say that?

24 A I was called into Bob's office that he was
25 looking at reorganizing. This was a couple of

1 days before it went into effect. I was under
2 orders not to talk about it, that the job
3 description and everything had been finalized. I
4 said okay. Bob's been looking at reorganizing
5 almost every branch of government within the
6 department. He started years ago with the fire
7 department and went to the public works
8 department. And I know that for years he tried
9 to move Mary's position out of Town Hall because
10 of -- I don't want to say -- but the way it
11 looked to the public, that the Court Clerk was in
12 the police department and, of course, it could
13 never get done because there was no place to put
14 her. She was also doing records work at the same
15 time.

16 Q Was there any discussion of budget issues at that
17 time as to why this reorganization was occurring
18 with the Court Clerk Police Administrative
19 Assistant position?

20 A Not that I'm aware of, no.

21 Q Was there any other issue that you haven't
22 described that might have been raised during that
23 conversation?

24 A Just that this reorganization was going to save
25 the Town quite a bit of money, I don't remember

1 the exact dollar figure, and that it was going to
2 streamline the police department and at the same
3 time address the issue that, which now has come
4 to pass, that the Court Clerk can't be in the
5 police department. And that bill I believe goes
6 into effect in January.

7 Q Of this coming year?

8 A That's correct, sir, uhm-hum.

9 Q How much money was this change in the Court Clerk
10 Police Administrative Assistant position going to
11 save the city -- or the town?

12 A I don't know. Mr. Museus may have mentioned it,
13 but I don't remember it.

14 Q Did any of Mary Abegglen's salary come out of the
15 police department's budget?

16 A As Records Clerk, I would assume, yeah, because,
17 I mean, there were -- she was a part-time Court
18 Clerk and she was a part-time Records Clerk so,
19 yeah, the Records Clerk portion would come out of
20 the PD.

21 Q Was your budget cut in February 2009?

22 A I'm trying to remember. I don't know if it was
23 or not, to be honest with you.

24 Q Do you recall hiring an Administrative Assistant
25 to fill this position?

1 A Yes, sir.

2 Q How much did that cost the department, do you
3 recall?

4 A I think the pay is ten dollars and some odd cents
5 an hour.

6 Q How much did that save the Town of Beloit, do you
7 recall?

8 A No, I don't.

9 Q Do you recall if there was any savings?

10 A There was a savings total that I was told by the
11 Town Administrator.

12 Q You're in charge of the police department's
13 budget, correct?

14 A That's correct.

15 Q How much savings was this move to the police
16 department based on your budget do you recall?

17 A No, I don't.

18 Q Was there any savings?

19 A Yeah. There would have been savings in payroll.

20 Q How much?

21 A Again, I don't know. I would have to look at the
22 figures.

23 Q How do you have that recollection?

24 A I'm sorry?

25 Q How do you have the recollection there was a

1 savings?

2 A I was told by the Town Administrator that the
3 move was significant savings.

4 Q Okay. I'm going to show you what's been marked
5 as Exhibit 11. The Town of Beloit Job
6 Description Police Sergeant revised March 2009.
7 Do you have a recollection of whether or not this
8 is the job description for the Sergeant's
9 position that Willis Abegglen would have filled
10 after his demotion from Deputy Chief?

11 A Yeah. This is a Police Sergeant job description,
12 correct.

13 Q Do you recall if this was for Sergeant Willis
14 Abegglen?

15 A This was for all sergeants. It's a job
16 description for Police Sergeant.

17 Q Did you have any input in making this Police
18 Sergeant job description that's been marked as
19 Exhibit 11?

20 A Probably years ago. I mean, we have updated the
21 job description over the years.

22 Q I'm going to show you what's been marked as
23 Exhibit 12. Unfortunately, my stapling job is
24 not the greatest. The last page isn't stapled
25 but it should be.

1 A That's fine.

2 Q It's a three-page document and the last page has
3 minimum qualifications, approved Town
4 Administrator and a dateline but they're not
5 completed.

6 A Okay.

7 Q Can you just identify what this document is for
8 the record?

9 A It's a Police Sergeant Job Description.

10 Q Do you have any recollection of whether or not
11 this job description was in effect as of
12 March 2009 at the same time that the job
13 description for Exhibit 11 would have been in
14 place?

15 A You mean was this one in place first before this
16 one?

17 Q Or were they in place at the same time?

18 A I don't know. This one isn't dated, so I'm
19 assuming that this one was in place first.

20 MR. ZALEWSKI: He's pointing at
21 Exhibit 12.

22 THE WITNESS: I'm sorry.

23 BY MR. RETTKO:

24 Q Okay.

25 A Exhibit 12 I'm assuming was in place before

1 Exhibit 11.

2 Q Okay. Now it looks like these job changes were
3 voted on and passed by the Town Board on
4 February 17, 2009. Do you have a recollection of
5 a conversation you had with Willis Abegglen on
6 February 20th, 2009 in which you told him that
7 Greg Groves and Bob Museus were behind the
8 elimination of the Deputy Chief's position?

9 A There was a conversation in regards to that the
10 Deputy Chief's position along with Mary's
11 position were being reassigned and moved.

12 Q Were you in agreement with the changes that the
13 town had made to the Deputy Chief's position and
14 the Court Clerk Administrative Assistant
15 position?

16 A I was -- When I was first told about it, I was
17 surprised, but then it's like everything else, as
18 a department head, you have to follow orders, and
19 this was going to save some money, it took care
20 of the issue that was coming with the Court Clerk
21 in the PD. And I've been doing this job long
22 enough that when there's a reorganization of any
23 kind, you just -- you go with it.

24 Q Now, the issue regarding the Court Clerk being
25 positioned in the police department, you

1 indicated that statute is going into effect
2 January 2011?

3 A I believe so, yes.

4 Q You were aware that that was coming down the pipe
5 in February 2009?

6 A There had been rumors off and on, but nobody
7 ever -- I mean, it wasn't ever written in
8 concrete. Just like rumors are with anything
9 within the court system.

10 Q How much money did the cutting of the Deputy
11 Chief's position save the Town of Beloit police's
12 budget?

13 A I don't recollect. I don't know.

14 Q In fact, Willis Abegglen took a Sergeant's
15 position, correct?

16 A Right.

17 Q How much difference in pay was the Deputy Chief's
18 position to the Sergeant's position, do you
19 recall?

20 A Probably -- I can only take a guess. Probably
21 four dollars an hour, five dollars an hour.
22 That's just a guess.

23 Q As I recall, the police department had to hire a
24 civilian to handle the administrative duties the
25 Deputy Chief had once done; is that correct?

1 A No.

2 Q There was a new hire, though, to replace the
3 Deputy Chief, right?

4 A There was a contracted employee to help do,
5 primarily start out with the general orders that
6 we were completely re-doing.

7 Q How much did this generally -- how much was the
8 contracted employee paid?

9 A I think like 10 bucks an hour or something like
10 that. I don't know exactly what they were paid,
11 but I think that was it.

12 Q So, in essence, the police department was about
13 five dollars an hour paying more than what they
14 would have had they just kept Deputy Chief
15 Abegglen in the Deputy Chief position?

16 A Well, she only worked part time and also there
17 were no benefits paid.

18 MR. ZALEWSKI: I think you two aren't
19 tracking completely. I think he's talking about
20 Deputy Chief and you're talking about the Clerk
21 job, but you might want to clarify it, Bill.

22 BY MR. RETTKO:

23 Q Did you have an understanding that when I was
24 talking about filling the Deputy Chief's
25 position, the administrative duties and you

1 brought up the contracted employee, we were
2 talking about the same thing, were we not?

3 A I assumed that's what you were talking about.

4 Q Yes. And she was getting paid ten dollars an
5 hour about?

6 A I believe so.

7 Q What was her part-time work? How many hours did
8 she put in, do you recall?

9 A No, I don't. Sometimes she would come in a day,
10 day and a half and there would be times that she
11 wouldn't show up for a couple of weeks. It
12 wasn't a set schedule.

13 Q Do you recall how much you eventually paid this
14 person?

15 A No, I don't.

16 Q What's the name of this contracted person?

17 A Laura Palmer.

18 Q Is Laura Palmer currently employed by the Town of
19 Beloit Police Department?

20 A Yeah, currently she is.

21 Q When did she become employed by the Town of
22 Beloit Police Department?

23 A A month ago.

24 Q What was her position that she was hired in at?

25 A Desk sergeant.

1 Q How many sergeants does the Town of Beloit Police
2 Department currently have?

3 A Three.

4 Q In that conversation in which you were describing
5 to Willis Abegglen that you had nothing to do
6 with the elimination of his job or of the Court
7 Clerk's position being modified, did you also
8 agree with him that he was not a violent person?

9 A I've seen him lose his temper, but he's not a
10 violent person in the sense that you've got to
11 worry about him ripping your head off or
12 something, but, I mean, Willie can be an
13 intimidating person. I mean, he's got size to
14 him. He can be a little loud like we both can.
15 We're both probably old school.

16 Q Did you have a conversation with him in regard to
17 why it was a Rock County sheriff's deputy squad
18 was stationed next to the Town Hall when
19 Administrator Museus and Greg Groves met with
20 Willis Abegglen to inform him that he had the
21 opportunity to accept retirement or be demoted to
22 sergeant?

23 A What's the first part of it again?

24 Q We'll have that read back.

25 A I'm sorry.

1 Q That's okay.

2 (The last question was read.)

3 THE WITNESS: Okay, I got it. They may
4 have thought that maybe he might -- loses his
5 temper.

6 BY MR. RETTKO:

7 Q When you think they may have thought, who are you
8 referring to?

9 A Mr. Museus, Mr. Groves.

10 Q Did you have any conversations with Mr. Museus or
11 Mr. Groves prior to their meeting with Mr. --
12 with Willis Abegglen about how to handle Willis
13 Abegglen?

14 A No. Just that he was -- that they were going to
15 call him in, and he can get loud and then -- that
16 was pretty much it. I mean, you're demoting a
17 person.

18 Q Did you recommend that they have a Rock County
19 sheriff's deputy squad stationed near the Town
20 Hall when they broke that news to him?

21 A They asked my opinion. I said well, that's an
22 opinion that you're going to have to make. He
23 can get loud, get boisterous.

24 Q Is there a reason why they didn't have you in
25 that meeting?

1 A I don't know.

2 Q Did you ask --

3 A No.

4 Q -- shouldn't I be part of this meeting?

5 A No.

6 Q Why not?

7 A I was told that they were going to have the
8 meeting and they were going to break the news to
9 him and that was it.

10 Q In fact, you were in Madison when this meeting
11 occurred, correct? The meeting between
12 Mr. Museus, Mr. Groves and Mr. Abegglen.

13 A I might have been.

14 Q I show you what's been marked as Exhibit 13. I'm
15 going to identify for you this is a memo that
16 Willis Abegglen would have put together after he
17 met with you on February 20th, 2009. Can I have
18 you read this and tell me if you have any
19 disagreement with any statement made in this
20 particular memo by Willis Abegglen? And if so,
21 what your disagreements might be with those
22 statements.

23 A Okay.

24 Q Do you have any disagreements with anything
25 Mr. Abegglen says in this statement?

1 A It's fairly accurate, yeah.

2 Q It indicates in here that you had told Willis
3 that you had been fighting for him the entire
4 time seems to imply that you and Mr. Museus had
5 conversations about the elimination of this job.

6 A We had one conversation roughly when this all
7 came down when I was told he was being demoted
8 and it was a cost saving factor, and I was
9 shocked at first and said, well, I didn't agree
10 with it, but when Bob started saying what the
11 figures were and how we would save money, we were
12 starting to lose revenue, okay. The question is
13 done, it's over with.

14 Q But yet you don't know how much money that
15 actually did save?

16 A Bob mentioned it, but at the time there was a lot
17 going on, so I don't remember.

18 Q I'm going to show you what's been marked as
19 Exhibit 14. Can you identify Exhibit 14 for the
20 record?

21 A It's a memo to Bob February 27th, 2009.

22 Q I'm going to also represent for you that this is
23 Willis Abegglen's response to Bob Museus
24 regarding the offer of retiring versus taking a
25 Sergeant's position. Would you agree with that?

1 A That's what it says.

2 Q When did you become aware of the fact that Willis
3 Abegglen was not going to retire as Deputy Chief
4 but would be accepting the Sergeant's position
5 under duress?

6 A I think it was, I don't know, a day or two after
7 he had his meeting.

8 Q How did you become aware of it?

9 A Mr. Museus advised me.

10 Q Was there any discussion between you and
11 Mr. Museus about Willis Abegglen staying around
12 as a Sergeant?

13 A No. Just that he hadn't retired and that he was
14 going to assume the position of a Sergeant. And
15 then I think Bob wanted to know what shift he
16 would go on. And I said, well, afternoons,
17 'cause he had always liked working that.

18 Q Was there any discussion by Mr. Museus with you
19 that he had wished Mr. Abegglen would have just
20 retired?

21 A Not that I recall. It was a pretty short
22 meeting, just that Willie was staying.

23 Q The next document I'm going to show you has been
24 marked as Exhibit 15. Can you identify
25 Exhibit 15 for the record?

1 A This appears to be a memo from Mr. Museus to
2 Willie Abegglen.

3 Q And the date of it?

4 A March 17th.

5 Q Of 2009, right?

6 A Correct, uhm-hum.

7 Q And it's in regard to the reorganization of the
8 Town of Beloit and more particular with when his
9 job duties as Deputy Chief were going to change
10 to Sergeant, correct?

11 A The first one's about an organizational chart and
12 then the second sentence is about his job duties.

13 Q And that they were going to change effective
14 April 13th, right?

15 A Correct.

16 Q When did you become aware of the fact that Deputy
17 Chief Abegglen was going to become Sergeant
18 Abegglen as of April 13th, 2009?

19 A Well, like I said earlier, when Bob had advised
20 me that Willie was going to step down to
21 Sergeant. I guess that would have been, I don't
22 know, back here somewhere. I guess prior to,
23 maybe a day or two before this, I'm just
24 guessing.

25 Q What input did you have with Mr. Museus that

1 April 13th, 2009 was the appropriate date to make
2 this change?

3 A I don't know. I guess maybe we just picked a day
4 as to when we were going to transfer him down
5 into Sergeant.

6 Q I'm going to show you what's been marked as
7 Exhibit 16 in this case. Can you identify what
8 Exhibit 16 is for the record?

9 A Re-organize of the Town of Beloit March 17th,
10 2009 from Mr. Museus to Mary Abegglen.

11 Q And, again, this is an indication that her
12 position is changing effective April 13th,
13 correct?

14 A Correct.

15 Q Did you have any input with Mr. Museus as to
16 picking the date as to when those duties were
17 going to change?

18 A I don't remember, but there's -- I mean, if it
19 had have, it would have just been that this is
20 what her job duties are and her hours are going
21 to be cut back.

22 Q Did you have any input in regard to her hours
23 being cut back to 30 hours per week from 40 hours
24 per week?

25 A No. But I was advised they were going to be cut

1 back.

2 Q When this change occurred and Mary Abegglen was
3 being moved to just strictly Court Clerk, were
4 you going to remain her supervisor?

5 A Well, I really hadn't discussed it. It would be
6 if she went to Court Clerk, she would be back
7 under the mantle of the judge at this point, but
8 I guess by going to this, like what she is now,
9 Judge Holland is her boss.

10 Q Okay. In or around December of 2009, which is
11 later in the year, like nine months later, or
12 around that time, did you tell David Garetson,
13 G-A-R-E-T-S-O-N, that I'm going to get that son
14 of a bitch, and referring to Willis Abegglen?

15 A I don't remember the date, or the time, or
16 anything like that, but I'm not going to say I
17 didn't say it, I don't remember. Garetson had no
18 love for Willie whatsoever, so, I mean, he was on
19 more than one occasions putting his spin out
20 there on different things.

21 Q I'm going to show you what's been marked as
22 Exhibit 17 in this case. Can you identify
23 Exhibit 17 for the record?

24 A This is a memo put out by me to All Sworn
25 Personnel in a department rule November 10, 2009.

1 Q Do you have any recollection of what the new
2 department rule was?

3 A Yeah.

4 Q What is it?

5 A It's where officers are not allowed to be on the
6 department premise 15 minutes prior to the
7 beginning of their shift or later than 15 minutes
8 after their shift and they can't be in when
9 they're off duty.

10 Q I also notice at the beginning part of this memo
11 you talk about citations being down from 2006 and
12 2007, correct?

13 A That's correct.

14 Q Why in your opinion were citations down from that
15 time period 2006 and 2007 till the time you wrote
16 this memo?

17 A They weren't down in 2006-2007.

18 Q But they were higher --

19 A They started to go down in 2009.

20 Q Why, in your opinion, did they start going down
21 in 2009?

22 A Because of the dissension and we were also told
23 later that there was a job action against the
24 department.

25 Q Who told you that?

1 A Daphne Fisher.

2 Q Who did she explain was behind this job action?

3 A Just that the union was doing a work slow-down.

4 Q Did she explain when that decision was made?

5 A No.

6 Q Did she -- Were you able to verify that?

7 A All you had to do is look at the figures and you
8 could see they were down.

9 Q Now, you indicate that there's some, the second
10 paragraph, distractions between off duty officers
11 interacting with on duty persons, correct?

12 A That's correct.

13 Q What information did you have that these
14 distractions were occurring?

15 A We had two instances where Janelle Jurkiewicz was
16 doing evidence work and Chris Luzinski came in
17 and one day spent almost seven hours off duty
18 sitting in the back talking to her. And I
19 believe the second one it was Waldinger and
20 Janelle were working, one or -- one of them was
21 on overtime and Chris come in for a short period
22 of time.

23 Q So there was two instances where Luzinski was off
24 duty talking to on duty officers?

25 A Correct.

1 Q Did they complain to you about that?

2 A No, they didn't.

3 Q How did you learn of it?

4 A I saw it.

5 Q You observed it?

6 A That's correct, uhm-hum.

7 Q Did you do anything about it when you observed
8 it?

9 A Well, it was one of those things that with the
10 tension going on in the department, I would
11 contact our attorney that was handling the
12 problems and run it by him, see what he
13 suggested, and this is the memo that he had us
14 put out.

15 Q So this was Jim Korom's memo?

16 A That's correct.

17 Q Going back to that time in February 2009 when the
18 Deputy Chief's position was deleted, how did the
19 administrative functions of that job get
20 performed?

21 A After he was gone as deputy?

22 Q Right.

23 A I did them. Felger and I split them.

24 Q When you say Felger and you split them?

25 A Sergeant Felger.

1 Q Sergeant Felger?

2 A Yeah.

3 Q In or around that time period of November 2009,
4 did you tell anyone that you had been given the
5 100 percent backing of the Town Board to fire
6 Willis Abegglen?

7 A No.

8 Q Did you tell anyone that you had had 100 percent
9 backing of the Town Board to fire Mary Abegglen?

10 A No.

11 Q Do you know who Al Cass is?

12 A Yeah.

13 Q Who is he?

14 A He is a part-time officer for us and a full time
15 fireman.

16 Q Was there any police officer that got laid off
17 when Willis Abegglen was demoted from Deputy
18 Chief to Sergeant?

19 A No. We didn't lay anybody off until last year
20 and we laid three officers off.

21 Q Okay. Last year, 2010 or 2000 --

22 A It would have been December of last year.

23 Q December of 2009?

24 A Right. And the way it worked was one officer --
25 two officers got laid off and then another

1 officer got laid off a month later.

2 Q Who were the two officers that got laid off in
3 December 2009, do you recall?

4 A It would have been Decker and Fisher and then a
5 month later I believe Waldinger got laid off.

6 Q When you say Fisher, that's Daphne Fisher?

7 A That's correct.

8 Q Was she a junior police officer at that time, one
9 of the junior officers?

10 A That's correct.

11 Q And Waldinger would have been like third junior?
12 If Decker and Fisher preceded him out the door,
13 he would have been the third youngest?

14 A That's correct.

15 Q Did any police officer's pay get cut when Willis
16 Abegglen was demoted from Deputy Chief to police
17 officer?

18 A No.

19 Q At the time Mary Abegglen was reduced to 30 hours
20 per week, do you have any recollection as to how
21 her Administrative Assistant duties were
22 covered --

23 A I think --

24 Q -- with the police department?

25 A I think she still tried to do them. She was

1 still doing Records Clerk and she was still doing
2 Court Clerk, I think.

3 Q And at some point there was another person hired,
4 correct?

5 A For --

6 Q For that Administrative Assistant position in the
7 police department.

8 A Right, that's correct, and then she took over the
9 administrative and some of the record keeping
10 stuff that Mary used to do.

11 Q Have you received any pay raises since
12 January 1st, 2009?

13 A No.

14 Q Did you ever tell anyone going into the summer of
15 2009 you were going to terminate Willis and Mary
16 Abegglen by the end of the summer or you would
17 retire?

18 A Nope. I don't have the authority to terminate
19 either one of them.

20 Q I'll show you what's been marked as Exhibit 18.
21 Can you identify that for the record?

22 A It's a letter, February 24th, 2010, retirement
23 from Willie Abegglen to Mr. Museus.

24 Q So that's the date that Willis Abegglen
25 officially retired from the Town of Beloit Police

1 Department was February 19, 2010, correct?

2 A Correct.

3 Q When did you become aware of the fact that he was
4 going to retire effective that date?

5 A When he gave -- he walked -- I think he gave
6 me -- I'm trying to think. I don't know if he
7 gave us the letter or -- he may have just given
8 it to Bob, his retirement.

9 Q Did you have any discussion with Mr. Museus about
10 Mr. Abegglen's retirement at that time?

11 A No. He just said that Willie had retired and
12 that we were going to have to do without a
13 Sergeant for a while. That was about it. I
14 mean, it wasn't much of a conversation.

15 Q When was the new Sergeant hired?

16 A A month ago.

17 Q So that would have been approximately August of
18 2010, or July?

19 A Probably first part of August.

20 Q So from February 19th, 2010 to the first part of
21 August, 2010, there were two Sergeants,
22 Dransfield and Felger?

23 A That's correct.

24 Q And now it's Dransfield, Felger and Palmer?

25 A Right.

1 Q And Palmer was the contracted person you were
2 working with as early as March of 2009?

3 A I guess, yeah.

4 Q One last document. I'm going to show you what's
5 been marked as Exhibit 19. Can you identify what
6 Exhibit 19 is for the record?

7 A That's a memo to Willie from me June 24th, 2009.

8 Q It's regarding psychological evaluation?

9 A That's correct.

10 Q It's an order by you directing him to report to
11 Dr. Brad Grunert at Froedtert Clinic in
12 Milwaukee?

13 A Uhm-hum.

14 Q For a psychological evaluation as ordered by Town
15 Administrator Bob Museus, correct?

16 A Uhm-hum, that's correct.

17 Q What was the circumstances under which Mr. Museus
18 ordered you to direct Willis Abegglen for a
19 psychological examination as of June 24th, 2009?

20 A I'm trying to remember what the conversation was.
21 I think Bob, we wanted him to go for a psych to
22 make sure that there would be no problems with
23 him handling any kind of a demotion or anything.
24 I don't remember all of the conversation.

25 Q What concerns did Mr. Museus raise with you, do

1 you recall?

2 A I don't recall.

3 Q Do you have any recollection of what you may have
4 told Mr. Museus in regard to Willis's
5 psychological makeup?

6 A I probably agreed with it so that that's why we
7 sent him. None of the older sergeants had had
8 psychologicals, or the patrolmen.

9 Q Why would you have probably agreed with that?

10 A Well, I don't know. I mean, it was certainly not
11 going to hurt to have him take a psychological.
12 He passed it fine, so --

13 Q Is there any indication that Willis Abegglen is
14 psychologically imbalanced?

15 A Well, just that his temper sometimes would get
16 out of control, but, again, that's Willie's
17 personality.

18 Q Is that any different than the way it was prior
19 to February of 2009?

20 A I don't know. I mean, it was constant.

21 Q So was there any change in his temperament from
22 February 2009 after that that required this
23 psychological evaluation?

24 A Not that I'm aware of.

25 Q Okay.

1 MR. RETTKO: Dick, do you have any
2 questions?

3 MR. ZALEWSKI: I don't have any
4 questions.

5 MR. RETTKO: If you don't mind, I'm
6 going to take about a 10 or 15-minute break just
7 to make sure I don't have to ask him back.

8 MR. ZALEWSKI: I need some ibuprofen.

9 MR. RETTKO: Okay.

10 THE WITNESS: Can I get coffee?

11 MR. RETTKO: You can get some coffee,
12 and I just want to make sure I don't have to call
13 you back at some date in the future, so I just
14 want to look at my notes.

15 THE WITNESS: No problem. No problem.

16 MR. RETTKO: Okay, thanks.

17 (A recess was taken.)

18 (At 11:41 a.m. the deposition
19 concluded.)

20

21

22

23

24

25

1 STATE OF WISCONSIN)
) SS:
2 MILWAUKEE COUNTY)

I, CHRISTINE A. MORAN, RPR and Notary
Public in and for the State of Wisconsin, do
hereby certify that the deposition of JOHN
WILSON, was taken before me at the Beloit Fire
Department 2445 South Afton Road, Beloit,
Wisconsin, on the 1st day of September, 2010,
commencing at 9:32 in the forenoon.

10 That it was taken at the instance of
11 the Plaintiffs upon verbal interrogatories.

12 That said statement was taken to be
13 used in an action now pending in the UNITED
14 STATES DISTRICT COURT, WESTERN DISTRICT OF
15 WISCONSIN, in which Willis Abegglen, et al., are
16 the Plaintiffs, and the Town of Beloit, et al.,
17 are the Defendants.

18 A P P E A R A N C E S

19 RETTKO LAW OFFICES, S.C., 15460 West
20 Capitol Drive, Suite 150, Brookfield, Wisconsin
21 53005, by MR. WILLIAM R. RETTKO, appeared on
22 behalf of the Plaintiffs.

23 ZALEWSKI, KLINNER & KRAMER, LLP, 1500
24 Merrill Avenue, P.O. Box 1386, Wausau, Wisconsin
25 54401-1386, by MR. RICHARD W. ZALEWSKI, appeared

1 on behalf of the Defendants.

2 ALSO PRESENT: Kris Eastman, Robert
3 Museus, Willis Abegglen and Mary Abegglen.

4 That said deponent, before examination,
5 was sworn to testify the truth, the whole truth,
6 and nothing but the truth relative to said cause.

7 That the foregoing is a full, true and
8 correct record of all the proceedings had in the
9 matter of the taking of said deposition, as
10 reflected by my original machine shorthand notes
11 taken at said time and place.

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Notary Public in and
for the State of Wisconsin

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18 Dated this 9th day of September, 2010.

19 Milwaukee, Wisconsin.

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My Commission expires December 12, 2010.

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Halma-Jilek Reporting, Inc.
(414) 271-4466

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